



AUG 14 2001  
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In re Application of KONDO et al  
U.S. Application No.: 09/582,838  
Int. Application No.: PCT/US98/25736  
Int. Filing Date: 04 December 1998  
Priority Date: 05 December 1997  
Attorney Docket No.: 53859USA2A.008  
For: OIL CLEANING SHEETS FOR MAKEUP

DECISION

This is in response to applicants' "Request for Corrected Filing Receipt" filed 02 March 2001.

**BACKGROUND**

On 04 December 1998, applicants filed international application PCT/US98/25736, which claimed priority of an earlier Japan application filed 05 December 1997. A copy of the international application was communicated to the USPTO from the International Bureau on 17 June 1999. A Demand for international preliminary examination, in which the United States was elected, was filed on 24 June 1999, prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 05 June 2000.

International application PCT/US98/25736 became abandoned as to the United States at midnight on 05 June 2000 for failure to file the basic national fee under 35 U.S.C. 371.

On 30 June 2000, applicants filed a petition to revive the present application under 37 CFR 1.137(b). The petition was accompanied by the requisite basic national fee.

On 18 October 2000, the PCT Legal Office of the USPTO mailed a decision granting the 30 June 2000 petition to revive the present application.

On 30 November 2000, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), indicating that an oath or declaration in compliance with 37 CFR 1.497 must be filed along with a

surcharge under 37 CFR 1.492(e) for providing the oath or declaration later than thirty (30) months from the priority date.

On 04 January 2001, applicants filed the requisite declaration and surcharge.

On 10 January 2001, the DO/EO/US mailed a Notification of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903) indicating 04 January 2001 as the date of receipt of 35 U.S.C. 371 requirements.

On 02 March 2001, applicants filed the present request. The request states that the filing date listed on the filing receipt for the present application should be changed to 30 June 2000.

### **DISCUSSION**

For a United States national stage application filed under 35 U.S.C. 371, the filing date listed on the filing receipt is the date the requirements of 35 U.S.C. 371 are satisfied. In the present case, the 35 U.S.C. 371 requirements were fully met on 04 January 2001 as set forth in the Notification of Acceptance of Application mailed 10 January 2001. Thus, 30 June 2000 is not the proper filing date to be listed on the filing receipt.

### **CONCLUSION**

For the reasons above, the request for a corrected filing receipt is **DISMISSED** without prejudice.

If reconsideration on the merits of this decision is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Extensions of time may be obtained pursuant to 37 CFR 1.136(a).

Please direct further correspondence with respect to this matter to the Commissioner for Patents, Box PCT, Washington, D.C. 20231, and address the contents of the letter to the attention of the PCT Legal Office.



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